

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BART CARRIGAN,

Plaintiff,

CIVIL CASE NO. 07-12520

v.

HONORABLE PAUL V. GADOLA  
U.S. DISTRICT JUDGE

ANTHONY ASHER, et al.,

Defendants.

**ORDER ACCEPTING REPORT AND RECOMMENDATION**

Now before the Court is Magistrate Donald A. Scheer's April 30, 2008 Report and Recommendation. The Report and Recommendation recommends that Plaintiff's August 1, 2007 Motion for Leave to File a Second Amended Complaint be denied and that Defendants' August 1, 2007 Motion to Dismiss be granted. The Magistrate Judge also notified the parties that any objections must be filed within ten days of service. No party has filed objections to the Report and Recommendation.

The Court's standard of review for a magistrate judge's report and recommendation depends upon whether a party files objections. If a party does not object to the report and recommendation, the Court does not need to conduct a review by any standard. *See Lardie v. Birkett*, 221 F. Supp. 2d 806, 807 (E.D. Mich. 2002) (Gadola, J.). As the Supreme Court observed, "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings." *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Because neither party filed timely objections to Magistrate Judge

Scheer's Report and Recommendation, *see* 28 U.S.C. § 636(B)(1)(c), this Court need not conduct a review.

**ACCORDINGLY, IT IS HEREBY ORDERED** that the April 30, 2008 Report and Recommendation [docket entry #24] is **ACCEPTED** and **ADOPTED** as the opinion of this Court.

**IT IS FURTHER ORDERED** that Plaintiff's Motion for Leave to File a Second Amended Complaint [docket entry #15] is **DENIED**.

**IT IS FURTHER ORDERED** that Defendants' Motion to Dismiss [docket entry #13] is **GRANTED**.

**SO ORDERED.**

Dated: May 30, 2008

s/Paul V. Gadola  
HONORABLE PAUL V. GADOLA  
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on May 30, 2008, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Christopher P. Legghio; Jon R. Muth; James R. Peterson, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: \_\_\_\_\_.

s/Ruth A. Brissaud  
Ruth A. Brissaud, Case Manager  
(810) 341-7845